

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

AARON BALL,

Defendant and Appellant.

C046083

(Super. Ct. No.
CM018698)

Defendant Aaron Ball pleaded no contest to commission of a lewd act with a child under 14 years old. (Pen. Code, § 288, subd. (a); further undesignated statutory references are to the Penal Code.) He was sentenced to state prison for three years, awarded one day of custody credit, and ordered to pay a \$200 restitution fine (§ 1202.4, subd. (b)), a \$200 restitution fine suspended unless parole is revoked (§ 1202.45), and a \$200 sex crime fine plus penalty assessments (§ 290.3).

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the

case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Defendant has identified an error that requires correction. The trial court orally ordered him to pay "a 290.3 Penal Code [sex crime] fine in the amount of \$200 plus penalty assessments totaling \$680." Lacking appropriate punctuation, the reporter's transcript is ambiguous as to whether the penalty assessments alone (excluding the \$200 base fine) are \$480 or \$680. Neither figure is correct. We shall modify the judgment to impose the \$200 base fine, a \$200 state penalty assessment (§ 1464), a \$140 county penalty assessment (Gov. Code, § 76000), a \$40 criminal surcharge (§ 1465.7), and a \$20 court security fee (§ 1465.8), for an aggregate fine of \$600.

Defendant suggests no correction is necessary because the clerk's minutes and the abstract of judgment fortuitously reflect an aggregate fine of \$600. However, as we recently explained, "All fines and fees must be set forth in the abstract of judgment. [Citation.]" (*People v. High* (2004) 119 Cal.App.4th 1192, 1200.) In this case, neither the base amount nor any of the penalty assessments is identified on the abstract.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is modified to impose a \$200 sex crime fine, a \$200 state penalty assessment, a \$140 county penalty assessment, a \$40 criminal surcharge, and a \$20 court security fee. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

NICHOLSON, J.

We concur:

BLEASE, Acting P.J.

CANTIL-SAKAUYE, J.